



Current as of: 13 Jun 17

MANPOWER & PERSONNEL FLIGHT FACT SHEET

FAMILY AND MEDICAL LEAVE ACT

Purpose: To provide Federal employees up to a total of 12 administrative workweeks of unpaid leave during any 12-month period for certain family and medical needs.

Covered Employees: FMLA is available to full-time and part-time employees. An employee must have completed 12 months of service (not required to be recent or consecutive).

Entitlement:

An employee is entitled to 12 administrative workweeks (480 hours) of unpaid leave in a 12 month period for the following family and medical needs:

- Birth of a child and to care for the newborn child within one year of birth;
- The placement of a son or daughter with the employee for adoption or foster care;
- The care of a spouse, son, daughter, or parent of an employee, if that family member has a serious health condition;
- A serious health condition of the employee that makes the employee unable to perform any one or more of the essential functions of his or her position;
- Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation. Covered active duty or call to covered active duty status means duty during the deployment of the member of the Armed Forces to a foreign country or in the case of a member of a reserve component of the Armed Forces, duty during the deployment of a member with the Armed Forces to a foreign country in support of a contingency operation. The service member's active duty orders is sufficient proof that a covered military member is on covered active duty or call to covered active duty status. The following are the 8 categories of exigencies provided by OPM:
 - Short-notice deployments
 - Military events and related activities
 - Childcare and school activities
 - Financial and legal arrangements
 - Counseling
 - Rest and recuperation
 - Post-deployment activities
 - Additional activities not encompassed in other categories when the agency and employee agree they qualify as exigencies and agree to the timing and duration of the leave. Specific definitions of each of these categories can be found in 5 CFR Part 630.1204.
- Eligible employees may also take job-protected, unpaid leave, or substitute appropriate paid leave if the employee has earned or accrued it, for up a total of 26 workweeks in a single 12 month period to care for

a covered service member with a serious illness or injury if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

Substitution of Paid Time Off: An employee may elect to substitute paid time off for any or all of the 12 weeks of leave without pay entitlement. They may use sick leave, annual leave, or donated leave; they may also use compensatory time or credit hours accrued. The employee must meet all other regulatory leave requirements for the approved leave. An employee is entitled to a total of 12 weeks (480 hours) of sick leave each leave year to care for a family member with a serious health condition, which includes 13 days (104 hours) of sick leave for general family care or bereavement purposes. If the employee previously has used any portion of the 13 days of sick leave for general family care or bereavement purposes in a leave year, that amount must be subtracted from the 12-week entitlement. If an employee has already used 12 weeks of sick leave to care for a family member with a serious health condition, he or she cannot use an additional 13 days in the same leave year for general family care purposes. An employee is entitled to no more than a combined total of 12 weeks of sick leave each leave year for all family care purposes.

Notification: The employee needs to annotate in ATAAPS the dates and hours of family medical leave being requested. The employee must provide notice of his or her intent to take family and medical leave not less than 30 days before leave is to begin or, in emergencies, as soon as practicable. The notification should specify the dates of the leave period, and if the employee elects to take sick leave, annual leave or leave without pay. An SF-52 is required if leave without pay exceeds 30 consecutive days. The employee does not have to take the leave in consecutive days.

Medical Certification: Medical certification is required, (Optional Form WH-380) which states the diagnosis, date the condition began, prognosis and an estimate of the expected date of full or partial recovery. The certification must also include a statement that the employee is unable to perform the essential functions of the position. The certification required for a family member needs to state the benefits to the patient from the employee's care, the time estimate for the care, and what care the employee will provide.

Approval: Family medical leave is an employee entitlement and cannot be denied. However, if the medical leave exceeds 12 weeks, the employee can be removed from his or her position if the absence has not been approved by the supervisor.

Regulation: AFI 36-815, *Absence and Leave*, Chapter 12